



THE CITY OF NEW YORK
LAW DEPARTMENT
100 Church Street
NEW YORK, NY 10007

MURIEL GOODE-TRUFANT
Corporation Counsel

JOSEPH ZANGRILLI
Phone: (212) 356-2657
Fax: (212) 356-3509
jzangril@law.nyc.gov
Senior Counsel

February 20, 2025

BY ECF

Honorable Gary Stein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Robert L. Murray v. City of New York, et al., 24-CV-6023 (JPO) (GS)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing the City of New York in the above referenced matter. Pursuant to Your Honor's Individual Rule I.G, Defendant City respectfully requests an extension of its time to answer or otherwise respond to the complaint from February 24, 2025, until April 25, 2025. Due to Plaintiff's incarcerated status, we have been unable to obtain his position on this request.

By way of background, Plaintiff alleges that his constitutional rights were violated during his detention on Riker's Island while in the custody of the New York City Department of Correction ("DOC"). On November 26, 2024, the Court issued a Valentin Order directing New York City Health + Hospitals ("H+H") and the Physician Affiliate Group of New York, P.C., ("PAGNY") to identify the John Doe doctor named in the Complaint (ECF No. 11). To date, the docket does not reflect that H+H or PAGNY has responded to the Order. Once this information is provided, Plaintiff will have thirty days to file an Amended Complaint naming the John Doe defendant. Given that the Amended Complaint, once filed, will become the operative pleading in this matter, judicial economy would be best served by allowing defendant City to respond to the Amended Complaint rather than the initial Complaint.

In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, time is still required to investigate the allegations set forth in the Complaint. Additionally, because Plaintiff has alleged injuries as a result of the events complained of, this Office has forwarded to Plaintiff for execution multiple consent and authorization forms for the

release of medical records, limited at this juncture to records concerning treatment received as a result of the alleged incident, so that defendant City can properly assess the case and respond to the Amended Complaint. Although these releases were sent first on December 23, 2024, and again on February 10, 2025, this Office has not received a response from Plaintiff.

Additionally, defendant City respectfully notes that defendant C.O. Bond #2413 has executed a waiver of service with an answer due date of February 24, 2025. This Office has attempted to conduct a representation interview with C.O. Bond but has been unsuccessful to date, due to scheduling issues. As this Office has not yet discussed representation with Officer Bond, this request for an extension is not made on her behalf. However, given the time involved in determining the representation of an employee of the DOC, and in the interest of judicial economy, we hope that the Court may, *sua sponte*, extend her time to respond as well. See General Municipal Law § 50(k); Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous requests for an extension of time to respond to the Complaint have been made by defendant City. Upon information and belief, this extension will not affect any other scheduled dates in this litigation.

For the reasons set forth above, defendant City respectfully requests that its time to answer or otherwise respond to the Complaint be extended until April 25, 2025.

The City thanks the Court for its time and consideration of this request.

Respectfully Submitted,

Joseph Zangrilli /s/

Joseph Zangrilli
Attorney for Defendant City
Senior Counsel
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-2657
jzangril@law.nyc.gov

Cc: **VIA FIRST CLASS MAIL**
Robert Lee Murray
990230038
North Infirmary Command
15-00 Hazen Street
East Elmhurst, NY 11370